APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/750,363	12/31/2003	Krishna Bharat	Google-44 (GP-096-00-US)	4908

26479	7590	06/06/2005

STRAUB & POKOTYLO
620 TINTON AVENUE
BLDG. B, 2ND FLOOR
TINTON FALLS, NJ 07724

EXAMINER
AUGUSTIN, EVENS J

ART UNIT	PAPER NUMBER
3621	

DATE MAILED: 06/06/2005

Please find below and/or attached an Office communication concerning this application or proceeding.

	Application No.	Applicant(s)
Office Action Summary	10/750,363	BHARAT ET AL.
	Examiner	**Art Unit**	
	Evens Augustin	3621	

-- *The MAILING DATE of this communication appears on the cover sheet with the correspondence address* --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE _3_ MONTH(S) FROM
THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
  Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

1)☒ Responsive to communication(s) filed on _31 December 2003_.
2a)☐ This action is **FINAL**.   2b)☒ This action is non-final.
3)☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

4)☒ Claim(s) _1-64_ is/are pending in the application.
    4a) Of the above claim(s) _____ is/are withdrawn from consideration.
5)☐ Claim(s) _____ is/are allowed.
6)☒ Claim(s) _1-64_ is/are rejected.
7)☐ Claim(s) _____ is/are objected to.
8)☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

9)☐ The specification is objected to by the Examiner.
10)☒ The drawing(s) filed on _31 December 2003_ is/are: a)☒ accepted or b)☐ objected to by the Examiner.
    Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
    Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
11)☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

12)☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
    a)☐ All b)☐ Some * c)☐ None of:
      1.☐ Certified copies of the priority documents have been received.
      2.☐ Certified copies of the priority documents have been received in Application No. _____.
      3.☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
    * See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

1) ☒ Notice of References Cited (PTO-892)
2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
3) ☐ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
    Paper No(s)/Mail Date _____.
4) ☐ Interview Summary (PTO-413)
    Paper No(s)/Mail Date. _____.
5) ☐ Notice of Informal Patent Application (PTO-152)
6) ☐ Other: _____.

Status of Claims

1. Claims 1-64 have been examined.

Claim Rejections - 35 USC § 101

2. 35 U.S.C. 101 reads as follows:

> Whoever invents or discovers any new and useful process, machine, manufacture, or composition
> of matter, or any new and useful improvement thereof, may obtain a patent therefor, subject to the
> conditions and requires of this title.

3. Claims 1-32 are rejected under 35 U.S.C. 101 because the claimed invention is directed to

non-statutory subject matter.

    For a claimed invention to be statutory, the claimed invention must be within the

technological arts. Mere ideas in the abstract (i.e., abstract idea, law of nature, natural

phenomena) that do not apply, involve, use, or advance the technological arts fail to promote the

"progress of science and the useful arts" (i.e., the physical sciences as opposed to social sciences,

for example) and therefore are found to be non-statutory subject matter. A claim limited to a

machine or manufacture which has practical application in the technological arts is statutory. In

most cases, a claim to a specific machine or manufacture will have practical application in the

technological arts. See MPEP 2106, 2100-14 (quoting In re Alappat, 33 F.3d at 1544, 31 USQ2d

at 1557). Additionally, for subject matter to be statutory, the claimed process must be limited to a

practical application of the abstract idea or mathematical algorithm in the technological arts. See

In re Alappat 33 F.3d at 1543, 31 USPQ2d at 1556-57 (quoting Diamond V. Diehr, 450 U.S. at

192, 209 USPQ at 10). For a process claim to pass muster, the recited process must somehow

apply, involve, use, or advance the technological arts. See In re Musgrave, 431 F.2d 882, 167

USPQ 280 (CCPA 1970).

In the present case, claims 1-64 only recite an abstract idea. The recited steps obtaining

user information/profile target ads/document information and matching the information can be

performed in the mind of the user or by use of a pencil and paper. These steps only constitute an

idea of obtaining user information/profile target ads/document information and matching the

information.

As to technological arts recited in the preamble, mere recitation in the preamble (i.e.,

intended or field of use) or mere implication of employing a machine or article of manufacture to

perform some or all of the recited steps does not confer statutory subject matter to an otherwise

abstract idea unless there is positive recitation in the claim as a whole to breathe life and

meaning into the preamble. In the present case, none of the recited steps are directed to anything

in the technological arts as explained above with the exception of the recitation in the preamble

that the method is "computerized". Looking at the claims as a whole, nothing in the body of the

claims recite any structure or functionality to suggest that a computer performs the recited steps.

Therefore, the preamble is taken to merely recite a field of use.

Claim Rejections - 35 USC § 102

4.   The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the

basis for the rejections under this section made in this Office action:

> A person shall be entitled to a patent unless –
>
> (b) The invention was patented or described in a printed publication in this or a foreign country or in public
> use or on sale in this country, more than one year prior to the date of application for patent in the United States.

5.   Claims 1-26 and 33-58 are rejected under 35 U.S.C. 102 (b) as being anticipated by Herz et

al. (U.S 5,754,939).

As per claims 1-26 and 33-58, Herz et al. discloses a computer system for evaluating

customer and document/object profiles to automatically generate "target profiles" that most

likely will interest the user. The computer system comprises apparatus with means (column 28,

lines 43-67, columns 29, 30, figures 1 and 2) to do the following:

- Obtaining user profile attributes such as age and zip code (physical location) (column 4,

  lines 54-55). The system also stores profiles of documents which enables a user to access

  target objects of relevance and interest to the user without requiring the user to expend an

  excessive amount of time and energy (column 4, lines 35-42) – *Claims 1, 14, 33, 46*

- Getting a summary of digital profiles of target objects that user likes or dislike (column 4,

  lines 56-58). The system can also infer the user/document interest (profile) from the

  user's behavior (column 17, lines 33-35). For example, the system might monitor which

  documents the user chooses to read, or not to read, and how much time the user spends

  reading them (column 17, lines 35-38) - *Claims 1, 3, 14, 33, 35, 46*

- Getting user profiles determined from past searches submitted by user (column 4, lines

  58-61) – *Claims 2, 4, 34, 36*

- Attributes having values (column 10, lines 8-9, line 52, column 12, line 58) and scores

  (column 12, lines 60-67, column 13, lines 1-9). The score represents the frequency in

  which a particular attributes appears in a document. Thus, the score represents the

  likelihood of particular attribute being correct – *Claims 5, 6, 18, 19, 37, 38, 50, 51*

- A node being examined as a device that is connected, as part of a computer network and the way data is stored in those devices so that it can be used efficiently. The edges are being examined as a set of connections or links between objects or nodes. In figures 1 and 2, these devices consist of information servers (figure 1 items I1 and In), vendor servers (figure 1, items V1 and Vn) and user devices (figure 2, items T1-Tn). These nodes and links are further represented in figures 3 and 4. The information servers contain the target documents (column 26, line 37, column 29, line 1-5) being requested and accessed by the user (column 28, 66-67, column 29, lines1-5). The system can link users to documents based on users' interest to the documents or other documents associated with each link (column 60, lines 62-64) – *Claims 7, 20, 39, 52*

- FIG. 3 illustrates in block diagram form a representation a network topology for a plurality of servers, each of which is interconnected to at least one other server and typically also to a plurality of clients (column 30, lines 65-67, column 31, lines 1-6). The devices are interconnected based on the relationship of the data/files contained in a particular device (column 31, lines 6-22). These relationships are (column 4, lines 55-67) – *Claims 7-12, 20-25, 39-44, 52-57*:

  a.   Documents that a user likes and/or dislikes

  b.   Profile consisting of a collection of attributes, such that a documents that a user likes whose profiles are similar to another collection of documents' attributes

  c.   Specifics of a particular interest summary

  d.   A collection of documents with similar profiles

- Attributes are multiplies by a weight, a weighted attributes are added together (column 18, lines 63-67, column 19, lines 1-7) – *Claims 13, 26, 45, 58*

- The system gathers documents with similar profiles, based on their content. In this case, the system gets information about intrinsic properties of users and/or documents (column 23, lines 55-65) – *Claims 15, 17, 47*

- System using document meta data (column 11, lines 4-15) – *Claims 16, 17, 48, 49*

Claim Rejections - 35 USC § 103

6. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

> A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negatived by the manner in which the invention was made.

7. Claims 27-32 and 59-64 are rejected under 35 U.S.C. 103(a) as being unpatentable over Herz et al. (U.S 5,754,939), in view of Mai et al. (U.S 20020049635).

As per claims 27-32 and 59-64, Herz et al. disclose Herz et al. discloses a computer system for evaluating customer and document/object profiles to automatically generate "target profiles" that most likely will interest the user. The computer system comprises apparatus with means (column 28, lines 43-67, columns 29, 30, figures 1 and 2) to do the following:

- Obtaining user profile attributes such as age and zip code (physical location) (column 4, lines 54-55). The system also stores profiles of documents which enables a user to access

target objects of relevance and interest to the user without requiring the user to expend an

excessive amount of time and energy (column 4, lines 35-42)

- Getting a summary of digital profiles of target objects that user likes or dislike (column 4,

  lines 56-58). The system can also infer the user/document interest (profile) from the

  user's behavior (column 17, lines 33-35). For example, the system might monitor which

  documents the user chooses to read, or not to read, and how much time the user spends

  reading them (column 17, lines 35-38)

- Getting user profiles determined from past searches submitted by user (column 4, lines

  58-61)

- In a addition to age and geographic location, Herz et al. also teaches the user's natural

  language associated with attributes (column 63, lines 45-48)

- Matching users and target objects by automatically calculating, using and updating

  profile information that describes both the users' interests and the ads' characteristics

  (column 6, 4-7). Attributes of a document may include, but are not limited to, the

  following: (1) long pieces of text (a newspaper story, a movie review, a product

  description or an advertisement) (column 6, lines 20-23)

Herz et al. did not explicitly describe a method/apparatus in which the ads are scored

based on the attributes of the users and documents. However, Mai et al. describes a method that

assigns a score to each advertisement based on the advertisement's correlation with the user

profile (e.g., correlation to the content preferences and/or demographic data in the user profile

12) (page 8, ¶ 77). For example, an advertisement will receive a highest score if there is an exact

match between an advertisement's correlation number and the displayed content's program

classification (e.g., the advertisement for golf clubs for display during the display of a golf

tournament), a second highest score if the correlation number is in the same sub-category as the

program classification 82, but not an exact match (i.e., different program type indicated by

numbers), a third highest score if the correlation number is in the same general category as the

program classification 82, and so on (page 5, ¶ 46). Therefore, it would have been obvious for

one of ordinary skill in the art at the time of the applicant's invention to construct a system

method/apparatus in which ads are scored based on the attributes of the users and documents. It

would have been obvious for one of ordinary skill in the art at the time of the applicant's

invention to construct a system method/apparatus in which ads are scored based on the attributes

of the users and documents because it would provide advertisers with means to measure their ads

by indicating how well an advertisement correlates with a particular item of displayed content

(page 5, ¶ 46). By measuring the efficiency of ads, advertiser may be able reduce their

advertising costs by paying less for ads that don't score very high.

Conclusion

8. The prior art made of record and not relied upon is considered pertinent to applicant's

disclosure.

- **Kurtzman, II et al. (US 6144944)** - This invention relates to the field of computer

  systems for providing information. In particular, the invention relates to an

  expandable server for efficiently providing information to clients based on selection

  criteria.

- **Krishnan (US 6366956)** - An information access monitor which ascertains patterns

    of data access by the users and automatically compiles data for the users based upon

    the relevance of this information to the users--interests, as indicated by prior patterns

    of data access by the users.

- **Bem (US 20050080772)** - The present invention concerns finding items, such as

    advertisements ("ads"), relevant to a request, such as a search query. In particular, the

    present invention concerns helping to determine, score, and/or render an expanded set

    of relevant ads.

9. Any inquiry concerning this communication or earlier communications from the examiner

    should be directed to Evens Augustin whose telephone number is 571-272-6860. The

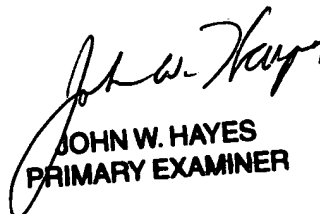   examiner can normally be reached on Monday thru Friday 8 to 5 pm.

    If attempts to reach the examiner by telephone are unsuccessful, the examiner's

supervisor, Jim Trammel can be reached on 571-272-6712.

    Any response to this action should be mailed to:

        Commissioner for Patents
        P.O. Box 1450
        Alexandria, VA 22313-1450

    Any inquiry of a general nature or relating to the status of this application should be
directed to the Group receptionist whose telephone number is 571-272-6584.

Evens J. Augustin
May 26, 2005
Art Unit 3621

JOHN W. HAYES
PRIMARY EXAMINER